

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte STEVEN R. MITCHELL

Application No. 09/528,466

MAILED

MAR - 8 2005

PAT & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on January 24, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matters requiring attention prior to docketing are identified below.

On September 30, 2003, appellant filed an Information Disclosure Statement (IDS). It is not clear from the record whether the examiner considered the IDS statement(s) submitted or whether the examiner notified appellant of why the submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

Application No. 09/528,466

Also, appellant filed a Notice of Appeal on April 19, 2004 and an Appeal Brief on June 21, 2004. A review of the file reveals that small entity fees of \$165.00 were applied to the Notice of Appeal and Appeal Brief. Before further review of this file, the correct fees of \$330.00 must be applied to the appellant's account for the Notice of Appeal and Appeal Brief.

Accordingly, it is

ORDERED that this application be returned to the examiner for: 1) consideration of the Information Disclosure Statement filed September 30, 2003; 2) appropriate written notification by the examiner to appellant of such consideration; 3) entry of the correct fees for the Notice of Appeal and Appeal Brief; and 4) for such further action as may be appropriate.

Application No. 09/528,466

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of this appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS  
AND INTERFERENCES

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DMS/td1